EXHIBIT 1

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. PAULINO HERRERA-HERNANDEZ, Defendant	Case No.: 14CR3571-LAB **DECLARATION OF RODRIGO LOPEZ**

I, Rodrigo C. Lopez, do hereby declare as follows:

1. I am a United States Customs and Border Protection Officer.
2. As part of my duties, I am responsible for taking sworn statements from aliens who have entered the United States illegally following their apprehension.
3. On June 24, 2008, I was assigned to the San Ysidro Port of Entry.
4. On that day, I encountered Paulino Herrera-Hernandez ("Defendant") after he had attempted to enter the United States by walking through the Port of Entry without presenting any documentation.

5. I do not specifically remember this Defendant, but I have reviewed the documents attached to this Declaration.
6. On that day, Defendant was deported via expedited removal. As part of this process, I served Defendant with a Notice and Order of Expedited Removal (Form I-860, attached as Exhibit 1.1) and a Notice to Alien Ordered Removed/Departure Verification (Form I-296, attached as Exhibit 1.2). I know this because my signature is on each of these documents.
7. I also took a sworn statement from Defendant. I memorialized this statement using a Record of Sworn Statement Proceedings under Section 235(b)(1) of the Act, form I-867A. (Attached as Exhibit 1.3)
8. It is my practice to enter the language in which a sworn statement was conducted in the space provided on the top of the I-867A form. As indicated onDefendant's form, I conducted the interview with Defendant in the Spanish language.
9. I am fluent in Spanish. Spanish is my first language and I regularly speak it in my work as a CBP Officer and with family members.
10. When drafting a record of sworn statement, it is my practice to enter the answers that an interviewee provides to my questions. I do not create answers that the interviewee does not provide.
11. Based on my review of the Affidavit, I conversed with Defendant, in Spanish. I began by reading the advisal that is printed on the top of the I-867A form. I then

asked him if he understood this advisal. He told me that he did, that he did not have any questions, that he was willing to answer my questions.

12. I then placed Defendant under oath, and he provided information regarding the following:

    a. His name;
    b. His date and place of birth;
    c. His country of citizenship;
    d. The citizenship of his parents;
    e. The circumstances of his entry into the United States;
    f. Whether he had immigration documentation;
    g. His reason for entering the United States;
    h. Whether he had previously lived in the United States;
    i. Whether he had previously been deported;
    j. Whether he had fear of being returned to Mexico;
    k. Whether he had any questions or additional statements to add.

13. I read Defendant's statements back to him, after which he signed and initialed each page of the sworn statement.

14. In June 2008, I had access to a translation service that provided Mixteco translations for situations in which an apprehended alien understood only Mixteco.

15. If Defendant told me, at the start of our interview, that he did not speak Spanish, I would have utilized a translator.

16. If, during the course of the interview, it became apparent to me that Defendant was not understanding my questions or was unable to provide answers without a translator, I would not have continued the interview without a translator.

17. Over the course of my career, I have used telephonic translation services to conduct interviews with apprehended aliens, including Mixteco speakers, on many occasions.

18. Based on my review of the Affidavit, I believe that Defendant understood and spoke Spanish at the time I interviewed him, and that he did not tell me that he did not understand Spanish.

DATED:

____
RODRIGO LOPEZ

EXHIBIT 1.1

FINS: 1070527875

U.S. Department of Homeland Security

Notice to Alien Ordered Removed/Departure Verification

Event No: [redacted]
File No: 089851632

Date: 06/24/2008

Alien's full name: Paulino HERRERA HERNANDEZ

You have been found to be inadmissible to the United States under the provisions of section 212(a) of the Immigration and Nationality Act (Act) or deportable under the provisions of section 237 of the Act as a Visa Waiver Pilot Program violator. In accordance with the provisions of section 212(a)(9) of the Act, you are prohibited from entering, attempting to enter, or being in the United States

- ☒ for a period of 5 years from the date of your departure from the United States as a consequence of your having been found inadmissible as an arriving alien in proceedings under section 235(b)(1) or 240 of the Act.
- ☐ for a period of 10 years from the date of your departure from the United States as a consequence of your having been ordered removed in proceedings under any section of the Act other than section 235(b)(1) or 240, or of your having been ordered excluded under section 236 of the Act in proceedings commenced prior to April 1, 1997.
- ☐ for a period of 20 years from the date of your departure from the United States as a consequence of your having been found Inadmissible and of your having been previously excluded, deported, or removed from the United States.
- ☐ at any time because in addition to having been found inadmissible, you have been convicted of a crime designated as an aggravated felony.

After your deportation or removal has been effected, if you desire to reenter the United States within the period during which you are barred, you must request and obtain permission from the Secretary of Homeland Security to reapply for admission to the United States. You must obtain such permission before commencing your travel to the United States. Application forms for requesting such permission may be obtained by contacting any United States Consulate or office of the United States Department of Homeland Security.

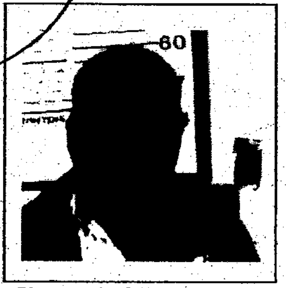
WARNING: Title 8 United States Code, Section 1326 provides that it is a crime for an alien who has been removed from the United States to enter, attempt to enter, or be found in the United States without the Secretary of Homeland Security's express consent. Any alien who violates this section of law is subject to prosecution for a felony. Depending on the circumstances of the removal, conviction could result in a sentence of imprisonment for a period of from 2 to 20 years and/or a fine of up to $250,000.

LOPEZ, Rodrigo — (Signature of officer serving warning)
CBP OFFICER — (Title of officer)
SYS — (Location of DHS office)

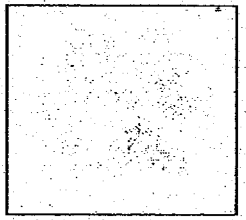
Verification of Removal

(Complete this section for file copy only)

Departure date	Port of departure	Manner of departure
06/24/2008	SAN YSIDRO	AFOOT
Signature of verifying officer	Title of Officer	



Photograph of alien removed



Right index fingerprint of alien removed

(Signature of alien whose fingerprint and photograph appear above)

(Signature of official taking fingerprint)

Form I-296 (08/01/07)

EXHIBIT 1.2

U.S. Department of Homeland Security

Notice and Order of Expedited Removal

DETERMINATION OF INADMISSIBILITY

Event Number : [redacted]

File No: A089 851 632

Date: June 24, 2008

In the Matter of: PAULINO HERRERA HERNANDEZ

Pursuant to section 235(b)(1) of the Immigration and Nationality Act (Act), (8 U.S.C. 1225(b)(1)), the Department of Homeland Security has determined that you are inadmissible to the United States under section(s) 212(a) ☐ (6)(C)(i); ☐ (6)(C)(ii); ☒ (7)(A)(i)(I); ☐ (7)(A)(i)(II); ☐ (7)(B)(i)(I); and/or ☐ (7)(B)(i)(II) of the Act, as amended, and therefore are subject to removal, in that:

1) On or about June 24, 2008, you attempted to elude inspection to enter the United States, via the San Ysidro, California Port of Entry.
1) You are a citizen and national of Mexico.
2) You have no legal right to enter, pass through, or remain in the United States.
3) You are not in possession of a valid entry document as required by the Act.

RODRIGO LOPEZ
CBP OFFICER
Name and title of immigration officer (Print)

Signature of immigration officer

ORDER OF REMOVAL UNDER SECTION 235(b)(1) OF THE ACT

Based upon the determination set forth above and evidence presented during inspection or examination pursuant to section 235 of the Act, and by the authority contained in section 235(b)(1) of the Act, you are found to be inadmissible as charged and ordered removed from the United States.

SCOTT NEBEKER
SUPERVISORY CBP OFFICER
Name and title of immigration officer (Print)

Signature of immigration officer

L. DELOATCH
CBP BRANCH CHIEF
Name and title of supervisor (Print)

Lee DeLoatch
Signature of supervisor, if available

☐ Check here if supervisory concurrence was obtained by telephone or other means (no supervisor on duty).

CERTIFICATE OF SERVICE

I personally served the original of this notice upon the above-named person on 6/24/08
(Date)

Signature of immigration officer

Form I-860 (Rev. 08/01/07)

EXHIBIT 1.3

U.S. Department of Justice
Immigration and Naturalization Service

Record of Sworn Statement in Proceedings under Section 235(b)(1) of the Act

Office: SAN YSIDRO, CA, POE File No: A089 851 632

Statement by: PAULINO HERRERA HERNANDEZ

In the case of: PAULINO HERRERA HERNANDEZ

Date of Birth: March 10, 1972 Gender (circle one) (Male) Female

At: SAN YSIDRO, CA, POE Date: June 24, 2008

Before: RODRIGO LOPEZ CBP OFFICER
(Name and Title)

In the SPANISH language. Interpreter RODRIGO LOPEZ Employed by CBP

I am an officer of the United States Immigration and Naturalization Service. I am authorized to administer the immigration laws and to take sworn statements. I want to take your sworn statement regarding your application for admission to the United States. Before I take your statement, I also want to explain your rights, and the purpose and consequences of this interview.

You do not appear to be admissible or to have the required legal papers authorizing your admission to the United States. This may result in your being denied admission and immediately returned to your home country without a hearing. If a decision is made to refuse your admission into the United States, you may be immediately removed from this country, and if so, you may be barred from reentry for a period of 5 years or longer.

This may be your only opportunity to present information to me and the Immigration and Naturalization Service to make a decision. It is very important that you tell me the truth. If you lie or give misinformation, you may be subject to criminal or civil penalties, or barred from receiving immigration benefits or relief now or in the future.

Except as I will explain to you, you are not entitled to a hearing or review.

> U.S. law provides protection to certain persons who face persecution, harm or torture upon return to their home country. If you fear or have a concern about being removed from the United States or about being sent home, you should tell me so during this interview because you may not have another chance. You will have the opportunity to speak privately and confidentially to another officer about your fear or concern. That officer will determine if you should remain in the United States and not be removed because of that fear.

Until a decision is reached in your case, you will remain in the custody of the Immigration and Naturalization Service.

Any statement you make may be used against you in this or any subsequent administrative proceeding.

Q. Do you understand what I've said to you?
A. Yes.

Q. Do you have any questions?
A. No.

Q. Are you willing to answer my questions at this time?
A. Yes.

Q. Do you swear or affirm that all statements you are about to make are true and complete?
A. Yes

Q. What is your true and correct name?
A: Paulino Herrera Hernandez

Q. What is your date of birth?
A. I was born on 03/10/1972
...(CONTINUED ON I-831)

I-867A (4-1-97)

P H

x

U.S. Department of Justice
Immigration and Naturalization Service

Continuation Page for Form I-867A

Alien's Name	File Number	Date
PAULINO HERRERA HERNANDEZ	A089 851 632	June 24, 2008

Q In what City, State and Country were you born?
A: I was born in Tehlapa, Guerrero, Mexico.

Q. Of what country are you a citizen?
A: Mexico.

Q. Of what country is your mother a citizen?
A: Mexico.

Q. Of what country is your father a citizen?
A: Mexico.

Q. On what day did you attempt to come enter the United States?
A: Today.

Q. How did you attempt to enter the United States?
A: I was walking

Q: Did you present a document?
A: No, I tried to just walk in.

Q: Do you have or have you ever had any other legal documents to enter the United States?
A: No

Q: Do you have any applications or petitions pending with the Immigration and Naturalization Service now?
A: No.

Q: What was your purpose in coming to the US?
A: I was coming to look for work.

Q. Where was your destination in the United States?
A. To Santa Maria, CA.

Q: Have you ever lived in the United States?
A: Yes, in Arizona and in California for about 2 months.

Q. Have you ever been removed or deported from the United States previously?
A. No.

Signature	Title
RODRIGO LOPEZ	CBP OFFICER

2 of 3 Pages

Form I-831 Continuation Page (Rev. 6/12/92)

x P H

U.S. Department of Justice
Immigration and Naturalization Service

Jurat for Record of Sworn Statement in Proceedings under Section 235(b)(1) of the Act

Q: Why did you leave your home country or country of last residence?

A. No.

Q. Do you have any fear or concern about being returned to your home country or being removed from the United States?

A. No.

Q. Would you be harmed if you are returned to your home country or country of last residence?

A. No.

Q. Do you have any question or is there anything else you would like to add?

A. No.

I have read (or have had read to me) this statement, consisting of 3 pages (including this page). I state that my answers are true and correct to the best of my knowledge and that this statement is a full, true and correct record of my interrogation on the date indicated by the above named officer of the Immigration and Naturalization Service. I have initialed each page of this statement (and the corrections noted on page(s)__________).

X [signature]
Signature: PAULINO HERRERA HERNANDEZ

Sworn and subscribed to before me at SAN YSIDRO, CA, POE
on June 24, 2008.

[signature]
RODRIGO LOPEZ
CBP OFFICER
Officer, United States Immigration and Naturalization Service

Witnessed by: CBPO/T.LOPEZ [signature]

I-867B (4-1-97)